

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

HUSSEIN RAHAL and LUBNA
RAHAL,

Plaintiffs,

v.

Case No: 6:23-cv-392-CEM-LHP

NATIONAL SPECIALTY
INSURANCE COMPANY,

Defendant

ORDER

This cause came on for consideration without oral argument on the following
motion filed herein:

**MOTION: DEFENDANT'S SHORT-FORM MOTION TO
COMPEL COMPLETE INITIAL DISCLOSURE
FROM PLAINTIFFS (Doc. No. 26)**

FILED: May 15, 2023

**THEREON it is ORDERED that the motion is GRANTED IN PART
AND DENIED IN PART.¹**

¹ The Court notes that Defendant's motion fails to comply with the typography requirements set forth in Local Rule 1.08. Despite this deficiency, the Court has elected to

Defendant moves for an order compelling Plaintiffs to provide amended initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(iii). Doc. No. 26. Specifically, in their disclosures, Plaintiffs stated “not applicable” regarding the computation of their damages. See Doc. No. 26-1, at 4. Defendant also seeks to recover its fees for the filing of the motion pursuant to Federal Rule of Civil Procedure 37(a)(5). Doc. No. 26, at 2.

Plaintiffs have not responded to the motion, and their time for doing so expired on May 22, 2023. See Doc. No. 23 ¶ 5 (providing that opposition briefing to a discovery motion must be filed no later than five days after the motion). See also Fed. R. Civ. P. 6(a)(1)(C). Accordingly, the Court deems the motion to be unopposed in all respects. See Doc. No. 23 ¶ 5 (stating that failure to file a timely response *will* result in the discovery motion being deemed unopposed). See also *Westchester Surplus Lines Ins. Co. v. Paramount Disaster Recovery, LLC*, No. 6:18-cv-1738-Orl-37DCI, 2019 WL 5294804, at *1 (M.D. Fla. Apr. 19, 2019) (“The Court routinely grants motions as unopposed where the opposing parties have not filed a response in opposition to the motion.”); *Bercini v. City of Orlando*, No. 6:15-cv-1921-Orl-41TBS, 2016 WL 11448993, at *2 (M.D. Fla. Sept. 28, 2016) (granting in full

resolve the motion on the merits. Going forward, however, counsel is cautioned that filings that fail to comply with all Federal Rules of Civil Procedure, Local Rules, and Court Orders may be stricken or summarily denied without further notice. See also Doc. No. 4.

unopposed motion to compel); *Daisy, Inc. v. Pollo Operations, Inc.*, No. 2:14-cv-564-FtM-38CM, 2015 WL 2342951, at *1 (M.D. Fla. May 14, 2015) (when defendant did not respond court could consider motion to compel unopposed).

Upon review, the Court finds the unopposed motion well taken. *See* Fed. R. Civ. P. 26(a)(1)(A)(iii). *See also Oliver v. City of Orlando*, No. 6:06-cv-1671-Orl-31DAB, 2007 WL 3232227, at *3 (M.D. Fla. Oct. 31, 2007) (“It is not Defendant’s task to calculate Plaintiff’s damages for her, nor must Defendant be left to guess as to the elements of Plaintiff’s claimed damages. Plaintiff is obligated to comply with Rule 26, and compute it as it stands now, bearing in a mind that a party is under a duty to supplement its response, as appropriate.”). With respect to Defendant’s request for sanctions, the Court declines to award sanctions in this instance, *see* Fed. R. Civ. P. 37(a)(5)(A)(iii), however Plaintiffs are advised that going forward, failures to respond to discovery served in accordance with the Federal Rules of Civil Procedure and/or to properly filed discovery motions may result in the imposition of sanctions.

Accordingly, it is **ORDERED** as follows:

1. Defendant’s Short-Form Motion to Compel Complete Initial Disclosure from Plaintiffs (Doc. No. 26) is **GRANTED IN PART AND DENIED IN PART**.

2. On or before **June 6, 2023**, Plaintiffs shall serve on Defendant amended initial disclosures in full compliance with Rule 26(a)(1)(A).

3. Plaintiffs are advised that failure to timely comply with this Order in full may result in sanctions. *See* Fed. R. Civ. P. 37(b).

DONE and **ORDERED** in Orlando, Florida on May 23, 2023.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties